

REMARKS

In the action of October 30, 2003, the examiner objected to claim 1; rejected claims 1-20 under 35 USC §112, first paragraph; rejected claims 1-10 under 35 USC §112, second paragraph; rejected claims 1-3, 5 and 10 under 35 USC §102 as anticipated by the German Patent Doc. No. 3734127 or alternatively as obvious over the '127 document in view of either U.S. Patent No. 5,323,823 or 5,143,490 to Kopras; and rejected claims 4, 7-9 and claim 10 under 35 USC §103 as unpatentable over the '127 German document and either '823 Kopras or '490 Kopras.

Applicant has reviewed the newly cited references, particularly the German document, and has studied the examiner's reasons for rejecting the claims over that prior art. First, claims 1, 2, 3, 7 and 10 have been amended to address the objection and rejections of the examiner relative to the wording of the claims. Withdrawal of those objections/rejections is now appropriate and respectfully requested.

The German patent document set forth in the translated abstract is a device for machining workpieces, the machine having a driven tool with a chip-collecting space surrounded by a boundary wall. A suction device removes chips. Note that the German device has inflow openings 23 in the area of the margin 21 of the boundary wall. This permits necessary air to enter the chip-collating space so that the chips can be moved out of the device. Note that the forward edge of boundary wall 18 is not flat. The driven tool 6 extends beyond the forward edge of the boundary wall of the device, but does not extend a distance at least equal to the thickness of the workpiece to be cut by the spiral saw. The openings 23 are necessary to get the chips out of the device.

Applicant's claim has now been amended to specify that there are no openings in the attachment device, other than the opening for the spiral saw, for allowing air into the attachment member during operation of the power tool. The forward edge of the attachment device is flat, for contact with the workpiece. This is important in applicant's invention, since in operation high volumes of dust are created. If applicant's attachment mechanism had radial openings, or the forward edge was not flat, such as taught by the reference, a large amount of dust would escape from the device and the overall suction ability of the combination of the power tool and the attachment mechanism would be reduced significantly. It would defeat the basic purpose of the attachment mechanism.

The openings in the reference are important, since they allow for the necessary air flow to remove the chips from the device. Modifying the reference to eliminate the openings would go against the basic teaching and purpose of the reference structure. Such a modification is hence not obvious.

In view of the above, claim 1 is in condition for allowance, and such action on the part of the examiner is respectfully requested. Since claims 2-10 are dependent upon claim 1, those claims are also allowable. Allowance of the application is thus respectfully requested.

Respectfully submitted,
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